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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,562	06/29/2001	Mark Sanders	07442-012002	3312

26161	7590	06/21/2005

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EXAMINER
SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/896,562	SANDERS, MARK
	Examiner	Art Unit
	Justin E. Shepard	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _56-60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _56-60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 June 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the first node group and the second node group in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 5, lines 6 and 7, part " 20'" " does not appear in figure 1. Note: there may be more instances of this in the specification.

Appropriate correction is required.

Claim Objections

Claim 56 is objected to because of the following informalities:

The part referred to as "storage element" in the first paragraph in the claim is being ignored and the examiner will examine the remaining limits of the claim. If the examiner is not correct, then the claim will be viewed as new matter as the specification does not disclose a set top box that contains a "storage element."

The part referred to as "storage element" in the third paragraph of the claim is being interpreted as being part of the video server. If the examiner is not correct, then the claim would be viewed as new matter as the specification does not disclose a system where the control unit copies data directly into a set top box.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 56-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwood.

Referring to claim 56, Greenwood discloses an interactive television system (column 2, lines 55-56), comprising: a set top box for interfacing a television receiver to the system (column 3, line 29; figure 1, part 17); a plurality of interconnected video servers storing digital viewing assets for viewers (column 3, lines 23-30; figure 1, parts 14 and 15); and a control unit connected to the video servers (figure 1, part 12), the

control unit configured to control copying, into the storage element, a missing portion of a replica of a selected viewing asset (column 3, lines 43-46) in response to a comparison between a first value and a second value , the first value being indicative of a priority of propagating the selected asset into the storage element (column 3, lines 63-66; figure 2, parts 22 and 23) and the second value being indicative of a value of retaining a replica of one or more other assets already stored in the storage element (column 5, lines 46-51; figure 3, part 36; Note: not being able to create sufficient storage space for an asset is being interpreted as being equivalent to giving an asset a retaining value and then deciding whether or not to retain that asset).

Referring to claim 57, Greenwood discloses a system of claim 56, wherein the control unit is further configured to record usage data for the assets stored in the storage element (column 1, line 67; column 2, lines 1-3).

Referring to claim 58, Greenwood discloses a system of claim 56, further comprising: a plurality of distribution networks to couple the servers to the set top boxes and to provide channels for delivering viewing assets to viewer televisions, each distribution network being connected to a subset of the video servers (column 2, lines 56-57; column 3, lines 23-30).

Referring to claim 60, Greenwood discloses a computer program product comprising computer executable instructions for propagating viewing assets into a storage medium (column 3, lines 23-30), the instructions causing a computer to: order copying of a missing portion of a replica of a selected viewing asset into the storage medium on a target device in response to comparison between a first value and a second value, the first value being indicative of a priority of propagating the selected asset into the storage element (column 3, lines 63-66; figure 2, parts 22 and 23) and the second value being indicative of a value of retaining a replica of one or more other assets (column 5, lines 46-51; figure 3, part 36) already stored in the storage element (Note: as the Video Distribution Management System uses the TCP/IP protocol to communicate with the LANs (column 2, line 62) it is being interpreted as a computer, and any process that is implemented by that computer is interpreted as a computer program).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamel, U.S. Patent No. 5,875,300, Cell Loss Reduction in a Video Server with ATM Backbone Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 8-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

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